

## **Frequently Asked Questions Regarding Ordinance #72**

The following answers are provided to the most frequently heard questions or to correct misunderstandings regarding the proposed Ordinance #72, Junkyard / Recycling Center, Junked Vehicle and Junked Mobile Home Ordinance.

- (1) Does the proposed ordinance limit the number of junked vehicles one can have?** No, provided that no more than 3 junked vehicles are in open public view on a lot or parcel. Any junked vehicles that are hidden from view do not count against the 3 car limit. “Hidden from view” (Section 4.3.1) can be accomplished in a number of different ways included but not limited to the following: stored in a garage, behind a house, under a car cover, under a secure tarp, behind thick vegetation, behind a fence, or over a hill. Exactly how this is best accomplished on each site is intentionally left open to the creativity of the individual and is very much site specific.
- (2) Must I screen my property with an 8 foot fence if I have more than 3 visible junk vehicles?** An 8 foot fence is specifically required only for junkyard/recycling businesses. Other sites need only to hide such vehicles from view. Exactly how that is accomplished is up to the individual property owner. (See Section 4.3.1)
- (3) If I decide to screen my vehicles with a fence, does the County mandate the color of the fence?** No. The fence color requirement only applies to junkyard/recycling businesses. If a homeowner decides to erect a fence for purposes of screening, it is at their discretion the type of fencing material and color they wish to use.
- (4) Does a junkyard business that has a State Auto-Recycler License also have to obtain a San Juan County Junkyard License?** No. County junkyard licenses are intended to supplement the state licensing requirements. However, the owner of a state licensed junkyard/recycling center is required to provide the County Clerk with a copy of his state license, annually.
- (5) What are the penalties for noncompliance with the requirements of Ordinance #72?** The ordinance seeks to achieve maximum voluntary compliance versus imposing penalties, but provides a cash penalty for noncompliance of \$300 per violation. If it becomes necessary for the County to clean up private property, the property owner could be subject for the associated costs of the clean up. Given the civil nature of trash and junk issues, the jail time provision allowed under State statute was omitted as an eligible penalty. It is also important to note that in the event a fine is levied, 100% of revenue collected goes to the State of New Mexico. San Juan County does not collect any revenue from the levying of fines.
- (6) What if my property is non-compliant and I have no way of cleaning it up myself?** The County’s Voluntary Clean-Up program is available to citizens who meet the minimal eligibility requirements. For more information on the program, contact the Community

Development Department at 334-4552. To date the County, with the assistance of inmate labor, has been able to clean-up over 388 properties.

**(7) Does the proposed ordinance apply to all lands in the County? What about lands on Indian reservations?** No, county ordinances do not apply to or regulate lands outside County jurisdiction. This includes lands on the Indian reservations and all lands within the city limits of Farmington, Aztec, and Bloomfield.

**(8) During these economic times, why is the County trying to impose additional regulations and infringe on an individual's personal property rights?** The County's economic health and future are directly threatened by the excessive amounts of junk, junked vehicles and homes which we have allowed to accumulate. The County has an obligation to protect the rights of all citizens to the reasonable use and enjoyment of their property, and to protect property values. The County has been requested by many citizens through numerous public input forums and surveys to address this issue, and is trying to find an acceptable solution for all citizens. In addition, those involved with the economic development of the County have identified the physical appearance of the County as being a significant hindrance in attracting employers as well as professional employees to the area. In addition, it is important to note that the County's first response to solving the problem did not involve a regulation but rather a Voluntary Clean-Up program, which began in 2005. The Voluntary Clean-up Program to date has cleaned up 388 properties, but the program requires property owner approval. Often, property owners with the largest accumulation of junk are not interested in having their property cleaned up, leaving the adjacent property owners still turning to the County for help.

**(9) Are my unlicensed and uninsured race cars still considered a junked vehicle?** No. As a result of citizen input from the public hearing last August, any hobby stock vehicle (race/drag/stock car) maintained in track-operable condition and regularly used for racing purposes is exempt from the definition of junk. In addition, any vehicle undergoing active restoration and hidden from view all other times, and yard art occupying no more than 400 square feet are exempt. (See Section 4.3.2 for more information)

**(10) When will this ordinance become effective?** The ordinance will become effective 30 days after adoption. Upon adoption no further disposal of any junk, junked vehicles or junked regulated portable dwellings is allowed. A transitional period provides individuals until June 1, 2013 to come into compliance. If a property owner would like to continue as or become licensed to operate as a junkyard /recycling center business, they have until June 1, 2012 to obtain a license and submit a screening plan to the County Clerk. Upon approval of such license, junkyard/recycling businesses have until June 1, 2013 to implement the screening plan.